IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 2047 OF 2005

Shri. Mohd. Wahid Qureshi ...Petitioner

Versus

The State of Maharashtra & Anr ...Respondents

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Mr. S.K. Dubey, Advocate for Petitioner
Mr. K.R. Dhanuka i/b Mr. B. M. Talreja, Adv. for Respondent No.2.
Mr. D.P. Adsule, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.
DATED: 9TH SEPTEMBER, 2005

P. C.:-

1. Heard the learned advocate for the petitioner, learned advocate for the respondent No. 2 i. e. the original complainant and the learned A.P.P. for the State.

2. The petitioner has prayed for quashing of process issued against him in Criminal Case No. 21/S/2001 which is pending in the Court of learned Metropolitan Magistrate, 32nd Court, Bandra, Mumbai. In the said case, process has been issued against the petitioner under Sections 420 and 506 of I.P.C. r.w. 34 of I.P.C.

3. For the reasons recorded in my order dated 13th June, 2005 passed in Criminal Writ Petition No.213 of 2005 and order dated 21st June, 2005 passed in

Criminal Application No.550 of 2005, the petitioner has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my opinion, it would be appropriate that the petitioner prefers revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioner to prefer revision before the concerned Sessions Court. The learned advocate for the petitioner states that the necessary revision would be preferred within a period of six weeks from today. I am informed that the date before the trial court is on 28.9.2005. In view of this statement, the trial Court shall not proceed with the trial on 28.9.2005 and for a period of three weeks thereafter. The learned advocate for the respondent No. 2 i.e. original complainant fairly states that no objection would be raised in respect of delay in filing revision before the learned Sessions Judge.

5. On the necessary revision being preferred by the petitioner before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

6. Writ Petition is disposed of.

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